

# **Carpooling in the light of private and public law**

## **Abstract**

The thesis deals with legal aspects of carpooling across the spectrum of the law of the Czech Republic. Due to *carpooling* not being a legal term, the thesis itself defines it as a phenomenon when multiple people are traveling simultaneously by one road transport vehicle, under the assumption that the transport is not being provided on a commercial basis. The thesis also describes the differences between carpooling and commercial transport of persons.

As far as public law is concerned, the thesis discovers which areas of administrative law apply to carpooling and what consequences arise for the subjects concerned. This involves the regulation of road transport and road traffic in particular. The description of tax implications is also included. Furthermore, the thesis deals with criminal and administrative liability.

The focus, however, is on private law. After an exploration of the legal history of transport of persons, the thesis answers the question whether or not contractual obligations arise from carpooling and inspects the elements of the contract along with the rights and duties of the parties. International aspects are taken into account – the thesis studies direct legal norms as well as rules governing conflicting laws. The centrepiece of the thesis is the civil liability related to carpooling. Apart from liability for defective performance and for luggage, the thesis mainly examines liability for damages arising from traffic accidents, scrutinizing the duties of the driver and the passenger together with the consequences of a failure to fulfil them. Special attention is devoted to the contributory fault of an injured passenger.

The aim of the thesis is to provide a complex overview of the topic. Because of the considerably broad range, individual problems are briefly assessed rather than being analysed in full detail. An exception from this is the liability arising from traffic accidents – the thesis surveys typical situations in traffic and provides relatively detailed and critical analysis of the case law of The Supreme Court of the Czech Republic, as well as a suggestion where to move going forward.